

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF OHIO
EASTERN DIVISION

UNITED STATES OF AMERICA,)	CASE NO. 1:11-CR-00270
)	
Plaintiff,)	HON. DONALD C. NUGENT
)	
vs.)	
)	
NICHOLAS WALKER,)	
)	
Defendant.)	

**UNOPPOSED MOTION FOR ORDER DIRECTING NORTHEAST OHIO
CORRECTIONAL CENTER TO ALLOW DR. MEGAN TESTA, M.D. TO PROVIDE
PERSONAL PSYCHIATRIC CONSULTATION TO DEFENDANT**

Now comes Nicholas Walker, by and through undersigned counsel, and respectfully requests that this Honorable Court issue an order directing Northeast Ohio Correctional Center (CCA) of Youngstown to permit Dr. Megan Testa, M.D., a Board Certified Psychiatrist, to meet with the Defendant for the purpose of providing personal psychiatric consultation. The Government, through Assistant United States Attorney Arturo Hernandez, does not oppose the granting of this Motion.

A Memorandum in support of this Motion is attached hereto and incorporated herein.

Respectfully submitted,

s/Roger M. Synenberg
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CERTIFICATE OF SERVICE

A copy of the foregoing *Unopposed Motion for Order Directing Northeast Ohio Correctional Center to Allow Dr. Megan Testa, M.D. to Provide Personal Psychiatric Consultation to Defendant* was sent electronically this 2nd day of April 2012 to the following:

Arturo G. Hernandez, Esq.
Michelle M. Baeppler, Esq.
Office of the U.S. Attorney
Northern District of Ohio
801 West Superior Avenue
Cleveland, OH 44113

s/Roger M. Synenberg
ROGER M. SYNENBERG

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Memorandum

On March 20, 2012, Mr. Walker entered into a plea agreement and pleaded guilty to Counts 1 and 2 of the Information and Counts 3, 11 and 12 of the Supplemental Information. Sentencing is scheduled for May 29, 2012.

All parties agree that Mr. Walker has mental health issues which do not rise to an affirmative defense of insanity under 18 U.S.C. §17. All parties also agree, however, that Mr. Walker does have significant mental health issues embracing Post Traumatic Stress Disorder, depression and opiate dependence, which is in remission, and that Mr. Walker would benefit from continued mental health treatment, as reflected in paragraph 18 of the plea agreement. A court order is required by the Northeast Correctional Center of Youngstown to facilitate a professional psychiatrist visit with a defendant. Accordingly, a request is made for a court order allowing Mr. Walker to receive personal consultation for his mental health issues pending sentencing from Dr. Megan Testa, M.D. This mental health care is requested pursuant to 18 U.S.C. §3553(a)(2)(D), namely, to ensure the defendant is provided with needed medical care or other correctional treatment in the most effective manner. A Proposed Order is attached hereto as Exhibit A.

Dr. Testa is a Board Certified Psychiatrist who is associated with Dr. Philip Resnick, and who is experienced in treating incarcerated inmates with mental health issues pending sentencing. A copy of Dr. Testa's Curriculum Vitae is attached hereto as Exhibit B. It is respectfully submitted that Mr. Walker has benefited from prior mental health consultations with other mental health providers, but has gone several months without such services. The requested personal consultation, until time of sentencing, would further assist Mr. Walker in addressing these mental health issues.

Wherefore, it is respectfully requested that this Honorable Court issue an Order directing Northeast Ohio Correctional Center to permit Dr. Megan Testa, M.D. to provide personal psychiatric consultation to Mr. Walker pending sentencing.

Respectfully submitted,

s/Roger M. Synenberg
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